

State Water Resources Control Board

May 31, 2017

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7015 1520 0001 8017 0491

Mr. Percy Irvine
Pump Station Supervisor
Alameda County Public Works
951 Turner Court
Hayward, California 94545
percyi@acpwa.org

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT LAKE MERRITT FLOOD CONTROL PUMP STATION,
SEVENTH STREET AT EAST EIGHTH AVENUE, OAKLAND**

Dear Mr. Percy:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on April 27, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Construct Secondary Containment for Product Piping – The primary piping located in the basement does not have a secondary containment system.	1	April 27, 2017	Ongoing	H&SC 25291(a)(2); 23 CCR 2636(c)(1)
2	Failure to Install Monitoring Sensor – Failure to install a leak detection monitoring sensor in the basement that monitors single-walled steel piping.	1	April 27, 2017	Ongoing	H&SC 25291(b)
3	Failure to Maintain Plot Plan/Site Map – Scaled diagrams indicating the location of the USTs, piping, and auxiliary equipment were not available at the time of inspection.	1	April 27, 2017	Ongoing	23 CCR 2711(a)(8); 2712(i)

No.	Violation	Tank	Start Date	Stop Date	Regulation
4	Failure to Maintain Operating Permit – An operating permit was not available at the time of inspection.	1	April 27, 2017	Ongoing	H&SC 25284(a); 23 CCR 2712(i)
5	Failure to Perform Designated Operator (DO) Inspection – A DO monthly inspection was conducted on December 19, 2016. The next monthly report was due on or before January 31, 2017, but was not conducted until February 27, 2017.	1	January 1, 2017	January 31, 2017	23 CCR 2715(c)
6	Failure to Perform DO Inspections – A DO monthly inspection was conducted on July 22, 2016. The next monthly report was due on or before August 31, 2016, but was not conducted until October 25, 2016.	1	August 1, 2016	September 30, 2016	23 CCR 2715(c)
7	Failure to Meet DO Inspection Requirement – Copies of the alarm history report for the months of October, November, and December 2016 were not attached to the DO monthly reports.	1	October 1, 2016	December 31, 2016	23 CCR 2715(c)
8	Failure to Maintain Monitoring or Testing Records Onsite – Three years of annual monitoring certifications, spill containment tests, line integrity tests, and the most recent secondary containment testing records were not available at the time of inspection.	1	April 27, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b)
9	Failure to Install Line Leak Detectors (LLD) – There are no LLDs installed on the pressurized piping system.	1	April 27, 2017	Ongoing	H&SC 25291(f); 23 CCR 2636(f)(2)
10	Failure to Monitor Product Piping – The liquid sensor inside the turbine sump is not able to detect a leak at the earliest opportunity because it is not at the lowest point in the sump.	1	April 27, 2017	Ongoing	23 CCR 2630(d)
11	Failure to Meet Spill Containment Requirements – At the time of inspection, water was observed inside the spill container preventing its ability to hold five gallons.	1	April 27, 2017	Ongoing	23 CCR 2635(b)(1)

No.	Violation	Tank	Start Date	Stop Date	Regulation
12	Failure to Submit or Update Evidence of Financial Responsibility – A current Chief Financial Officer letter was not present at the time of inspection.	1	April 27, 2017	Ongoing	H&SC 25292.2; 2711(a)(11)
13	Failure to Submit or Update Tank Information (Form B) – In CERS, the primary piping is listed as steel; however, fiberglass piping was observed in the turbine sump at the time of inspection.	1	April 27, 2017	Ongoing	H&SC 25286(a); 23 CCR 2711(a)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health of within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.

Please send all compliance documentation to the following:

State Water Board

Mr. Douglas McDevitt
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
douglas.mcdevitt@waterboards.ca.gov

Local CUPA

Ms. Susan Hugo
CUPA Program Manager
Alameda County Department of
Environmental Health
1131 Harbor Parkway, Suite 240
susan.hugo@acgov.org

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at amantha.henkel@waterboards.ca.gov.

Sincerely,



Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

cc: See next page.

cc: *(via email only)*

Ms. Susan Hugo,
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Alameda County Department
of Environmental Health
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